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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-29013-2025

Date of decision: 30.09.2025

SAROJ

...Petitioner

Versus

SMFG INDIA HOMES FINANCE COMPANY LTD AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Govind Chauhan, Advocate
for the petitioner.

SHEEL NAGU, C.J. (Oral)

1. This petition was entertained on 25.09.2025 merely on the ground of contention made by the petitioner that Presiding Officer of DRT-II, Chandigarh is on leave till 29.09.2025.

1.1. Learned counsel for the petitioner does not dispute that the Presiding Officer of the said Bench is now available.

2. Since the challenge before this Court is not only to recourses adopted by the Financial Institution u/s 13(2) but also u/s 13(4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act for brevity), it would be appropriate that the petitioner approaches Debts Recovery Tribunal (DRT) u/s 17 of SARFAESI Act.

3. Learned counsel for the petitioner submits that S.A. No.509 of 2025 has already been filed before the DRT-II Chandigarh.

4. In view of above, this Court declines interference on merits and extends liberty to the petitioner to pursue the said remedy already availed in



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S.A. No.509 of 2025.

5. Interim relief in the present petition, shall continue till the DRT takes fresh decision on the question of interim relief. It is made clear that this order shall not prejudice the mind of Tribunal while deciding the question of interim relief, if admissible to the petitioner. We further make it clear that the Tribunal shall decide the request for interim relief strictly on merits of the matter, without being influenced by the fact of petitioner having approached this Court or this Court having passed the present order.

6. Accordingly, the writ petition stands disposed of with aforesaid liberty without commenting on merits, without cost.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

30.09.2025*mohit goyal*

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No